

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3186 of 1995

to

FIRST APPEALNo 3390 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SPECIAL LAND ACQUISITION OFFICER

Versus

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SEDHA BHIKHA DARJI

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Appearance:

Mr. P.G. Desai, GP for appellants in FA 3186 to 3289 of 1995.

Mr. S.J. Dave, AGP for appellants in FA 3290 to 3390 of 1995.

NOTICE SERVED for Respondents

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CORAM : MR.JUSTICE Y.B.BHATT and  
MR.JUSTICE C.K.BUCH

Date of decision: 02/04/98

1. These are appeals filed by the Special Land Acquisition Officer, Dharoi Project, on behalf of the State of Gujarat under section 54 of the Land Acquisition Act read with section 96, CPC, challenging the common judgement and awards passed by the Reference Court under section 18 of the said Act. The lands under acquisition with which we are concerned were acquired for the Subarmati Reservoir Project for the construction of Dharoi Dam. The relevant notification was issued under section 4 of the said Act dated 12th August 1971. Thereafter, after following the due procedure, the Land Acquisition Officer declared his award under section 11 of the said Act on 20th April 1974. The land holders not having accepted the award, preferred their individual references under section 18 of the said Act which were heard and decided by the Reference Court by the impugned judgement and awards.

2. The Reference Court, after taking into consideration the totality of the evidence on record, determined the market value of the acquired lands at the rate of Rs.20,000/- per hectare (Rs.200/- per Are). The Reference Court has awarded this rate on a uniform basis for all the lands under acquisition, based on the finding that they are all irrigated lands, in view of the evidence on record.

3. We do not propose to go into a detailed discussion of the evidence on record inasmuch as we (this Bench) have today decided a group of First Appeals, also being appeals filed by the State, viz. First Appeal Nos.4721/96 to 4737/96, wherein the lands were acquired for the very same project, situated in and around village Santoda, Taluka Kheralu and wherein the relevant notification under section 4 was dated 23rd May 1973. Under the said decision we have determined the market value of the lands of village Santoda at a uniform rate of Rs.258/- per Are in respect of irrigated lands.

4. In the instant group of appeals we find that the relevant notification under section 4 of the said Act was dated 12th August 1971, which is considerably prior in point of time to the corresponding notification on the basis of which our aforesaid decision is based. Thus, all other factors being equal, on which there is no controversy raised by learned counsel for the appellant, it would appear that the lands presently under consideration would be valued at a figure considerably lower than the market value determined by us in our

aforesaid decision. Thus, the net conclusion and the only conclusion we can draw is that the market value determined by the Reference Court at Rs.20,000/- per hectare (Rs.200/- per Are) cannot in any manner be regarded to be excessive so as to justify any interference with the impugned judgement and awards.

5. We may also note that the aforesaid decision upon which reliance is placed, is a decision on merits, and no controversy has been raised by learned counsel for the appellant to the effect that the aforesaid decision can be distinguished on any ground whatsoever. In other words, it is conceded that the same would apply with all force to the present acquisition.

6. No other contentions have been raised.

7. Thus, the impugned judgement and awards are required to be confirmed and are accordingly confirmed. These appeals are, therefore, dismissed with no order as to costs.

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